

to serve the community interests of the City adequately. In addition, the City is concerned that the reallocation of Channel 18 to Long Beach not prejudice or compromise any future new allocation, or petition for change in community of interest, of a second broadcast television station to Long Beach.

Thus, while Long Beach does not oppose Petitioner's proposed change in community of interest, it is very interested in the aforementioned concerns and discusses them in greater detail below.

II. DISCUSSION

A. The Commission Should Approve The Proposed Change In Community Of Interest Only On The Specific Conditions Of Petitioner's Integration With And Service To The Community Interests Of Long Beach.

Until it received the NPRM, the City was unaware of Petitioner's plans to have its designated community of interest changed from San Bernardino to Long Beach. Even after its receipt of the NPRM in early August, Long Beach had no contact with Petitioner's representatives until very recently.

In its recent initial contacts with Petitioner's representatives, Petitioner set forth its plans to serve the community interests of Long Beach. Attached hereto is a copy of Petitioner's "Comments To The Long Beach City Council" (the "KSCI Comments")^{1/} in which it discusses its focus on the large Asian American community in the City and states:

1/ The KSCI Comments were prepared for presentation to and discussion at the September 16, 1997 Long Beach City Council meeting. However, due to a long agenda for that meeting and direct discussions between Petitioner's and the City's representatives concerning the Petitioner's plans to serve the Long Beach community, the matter was taken off the City Council's September 16 agenda for discussion, if necessary, at a later date.

"KSCI will offer programming of specific interest to the community of Long Beach. The programming offered will be primarily in Asian and Middle Eastern languages, serving the growing ethnic community of Long Beach. We will promote community events, interview community leaders, ethnic and otherwise, on important and timely issues, cover local news, as well as partner with local non-profit organizations. We will be a good corporate citizen" (KSCI Comments, at 4).

While Long Beach acknowledges that it currently has no broadcast television station licensed to it, it nonetheless is vitally concerned that any licensee of a broadcast television station licensed to it adequately serve the City's community interests. Long Beach initially was concerned with the ability and willingness of Petitioner -- with facilities in San Bernardino (some 40 miles distant from the City) and offices and studios in Los Angeles (which Long Beach considers to be a separate and distinct community) -- to adequately serve the community interests of the City.

The City believes that this focus on the community interests of a licensee's community of license is implicit in the statutory authority by which the Commission licenses broadcast television stations to particular communities.^{2/} Long Beach also notes that in comparative hearings for broadcast station licenses, the Commission evaluates which of the two or more competing potential licensees best serves the public interest in terms of integration with the proposed community of license, including (among other things) "local residence, ... and civic

2/ See, 47 U.S.C. §507(b), which states that "... the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio [including television] service to each of the same."

activities of the owners" (Cleveland Television Corp. v. FCC, 732 F.2d 962, 972 (D.C. Cir. 1984)).

Based on the representations made to it by Petitioner in the KSCI Comments, Long Beach does not oppose Petitioner's plan to re-designate its community of license from San Bernardino to Long Beach. However, the City urges the Commission to approve Petitioner's proposed change in community of interest on the specific condition that Petitioner shall serve the community interests of Long Beach consistent with the usual obligations of all licensees to so serve their communities of license.

- B. While Long Beach Does Not Oppose Petitioner's Proposal, It Does Not Want Such Approval To Prejudice Or Compromise Any Future New Allotment, Or Petition For Change In Community Of Interest, Of A Second Broadcast Television Station To Long Beach.
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Long Beach is aware of the Commission's allotment priorities for the allotment of television stations and that such priorities generally provide that each community first have at least one television broadcast station, and second that each community have at least two television broadcast stations assigned to it." While Long Beach does not oppose the proposed re-allotment of Channel 18 from San Bernardino to Long Beach, it does not want the approval of such re-allotment to prejudice or

3/ The actual priorities for allotting television stations are (1) to provide at least one television service to all parts of the United States, (2) to provide each community with at least one television broadcast station, (3) to provide a choice of at least two television broadcast services to all parts of the United States, (4) to provide each community with at least two television broadcast stations, and (5) to assign any remaining channels to communities based on population, geographic locations, and the number of television services available to the community from stations located in other communities (see, In the Matter of Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, Report and Order, FCC 89-128, 4 FCC Rcd 4879 (1989), ¶13, fn. 8; hereinafter "New Community of License Order").

compromise any future new allotment, or petition for change in community of interest, of a second broadcast station to Long Beach.

Long Beach notes that Petitioner's specific focus will be the Asian American and other ethnic populations in the City. Long Beach would be very interested in another broadcast television licensee who would serve other populations and constituencies within the City and it is vitally concerned that the designation of a first television station to Long Beach, focused on the City's ethnic populations, not prejudice or compromise the allotment of a second station with a different, more general focus.

III. CONCLUSION

Long Beach requests that the Commission accept these comments to the NPRM and take the actions recommended herein.

DATED: September 22, 1997 Respectfully submitted,

CITY OF LONG BEACH

By _____

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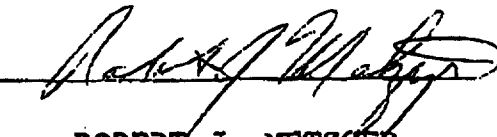
DECLARATION OF ROBERT J. METZGER

I, ROBERT J. METZGER, hereby declare, under penalty of perjury of the laws of the State of California, as follows:

1. I am the Director of General Services for the City of Long Beach, California.

2. I have read the foregoing "COMMENTS OF THE CITY OF LONG BEACH TO NOTICE OF PROPOSED RULEMAKING" and with respect to statements of fact made therein, such facts are true and correct to the best of my knowledge, information and belief.

Executed this 22 day of September, 1997, at Long Beach, California.


ROBERT J. METZGER



COMMENTS TO THE LONG BEACH CITY COUNCIL

1. Good evening!. My name is Richard Millet. I'm Vice President, Station Manager of KSCI-TV, Channel 18. And I'm pleased to be here and grateful for this opportunity to tell you something about KSCI And why we want to move our City of License to Long Beach.
2. First, a little background on our station. Since 1977, KSCI-TV has been serving Southern California with multi-ethnic programming (in 15 different languages), serving the largest multi-cultural population in the nation.
3. We were the first U.S. station to develop this format. And we continue to be the leading station in the nation in multi-cultural programming.
4. We are proud of our service to the large and mostly underserved ethnic population here and we are equally proud of the many honors we have received recognizing our programming services to the entire community.
5. In 1996, we received the highest honor television has to offer. The Academy of Television Arts and Sciences honored KSCI with an Emmy award for best instructional programming among all Los Angeles' stations for our production in six languages of "U.S. Citizenship; A Dream Come True". This program explained every aspect of the process of becoming a U.S. citizen.
6. We are very proud of our educational and instructional programming. And, of our news programming as well. KSCI programs more world news than any other Southern California station.... with satellite-fed newscasts each weekday from all

of the major news centers of the world. In addition, we produce local news programs daily in Mandarin, Cantonese and Vietnamese.

7. With our news and entertainment programming, we provide an important service to the over one millions Asian Americans in Southern California. And to the additional hundreds of thousands of Middle Easterners and Europeans who make up the California market.
8. So, why do we want to make Long Beach our City of License?
9. As we have stated, we're doing it to better serve the Southern California Asian American community.
10. Since 1977, Channel 18 has provided Southern California's over 2.1 million Asian Americans with their primary television service. . . presenting over 80 hours of Asian language news, information and entertainment programming each week.
11. As the Asian American population here has grown over the years -- and continues to grow today -- our need to serve this community has also increased, through an obligation to serve the largest number of Asian Americans in the cities in which they reside.
12. We feel we can do this best by moving Channel 18 to Long Beach.
13. According to the 1990 Census, Asian Americans in San Bernardino, our present city of license, comprise only 4% of the population, while the percentage in our proposed city of license -- Long Beach -- is well over 10%.
14. Comparing these percentages to the total populations of these two cities (Long Beach 429,433; San Bernardino 164,164), we find Long Beach is home to 800% more Asian Americans than San Bernardino.

15. Clearly Long Beach is a larger and more important Asian American community than San Bernardino, and thus a community that Channel 18 can provide greater service to.
16. We have researched the major cities in the Los Angeles area. And we have chosen Long Beach for the above reasons. And, because we want to be associated with the second largest city in Los Angeles County and fifth largest in California!
17. We want to better serve the large and fast growing ethnic community that exists here. We want to report important events here, ethnic and otherwise. And hopefully, we want to be a responsible corporate citizen!
18. And, we hope you will be proud of our services to Long Beach and Southern California.

At this time I would like to address Mr. Metzger's letter and several reasons why the City Counsel should reconsider the appropriateness of his recommendations to the FCC. There are four areas of concern expressed in this letter. Let me address them.

1. Programming of interest specifically to the Long Beach community.

We understand your concern that KSCI provide programming for the Long Beach community. Indeed, KSCI has every interest in providing programming specifically targeting the Long Beach community. FCC guidelines make it mandatory that we do so. However, to commit to air specific programming in order to be licensed to operate a commercial business in Long Beach would not be considered a legitimate requirement by the FCC and would be without precedent in the U.S.

A procedure already exists, to ensure a television station's continued service to the public interest of the community it is licensed to. That procedure includes the filing of quarterly reports identifying the programming and public service the station has provided for the city of license. At the end of every license period the public and their elected

officials have the opportunity to challenge the station's performance. If it is found that the station has not performed its obligations adequately its license will be revoked and assigned to another interested party. You can feel confident that procedures are in place to protect your interests

While KSCI cannot commit to predetermined programming, we will promise the following:

KSCI will offer programming of specific interest to the community of Long Beach. The programming offered will be primarily in Asian and Middle Eastern languages, serving the growing ethnic community of Long Beach. We will promote community events, interview community leaders, ethnic and otherwise, on important and timely issues, cover local news, as well as partner with local non-profit organizations. We will be a good local citizen.

We have done this for 20 years, and already passed many license renewal proceedings. We believe this testifies to our long-standing commitment and importance to this community.

2. Location of station facilities.

Again, we understand your expectation that a station licensed to a city should maintain its corporate offices in that city. However, it is not feasible for KSCI to move its facilities at this time. In addition, the FCC does not require us to do so and would not allow this to be a condition of our license assignment. In fact, of twenty-three television stations licensed to the surrounding four county area, 70% do not have offices in their city of license. It is entirely possible, however, that a news bureau or satellite facility will be needed here in the future.

In the meantime, our studios are a comparatively short distance from here and we feel any guests on our public affairs and news shows would be able to get back and forth in a relatively short time.

3. Opportunity to file competing expressions of interest.

As we mentioned in our letter of response, the FCC has already stated that it will not entertain competing expressions of interest.

4. Long Beach entitlement to two television licenses.

While it is true that the FCC television station allotment *priorities* state that an ideal condition is for every community to have two television stations, it is important to note that Long Beach has not been assigned any entitlements to date. Due to the saturation of airwaves in this market it is almost a certainty that no *new* television stations will be created in Southern California.

The only reasonable possibility for a television station to be licensed to Long Beach is if another existing station requests a change in city of license. To date, no station except KSCI has requested to do so.

Based on the foregoing and our sincere commitment to serve the community at large and the special benefit this channel brings to the large ethnic community in Long Beach, we hope you will embrace KSCI and support our application. We, in turn, embrace you, welcome the opportunity to build a mutually beneficial relationship.

I welcome your questions.